

REMARKS

I. Status of Claims

Claims 1 and 3-9 are pending in the application. Claim 1, 8, and 9 are independent. Claims 1 and 8 are currently amended and claim 9 is newly added. Claim 2 is canceled without prejudice to and/or disclaimer of the subject matter therein.

The Office Action objects to claims 4-6 as being dependent upon a rejected base claim, but indicates they would be allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims.

Claims 1-3, 7, and 8 stand rejected under 35 USC 102(e) as allegedly being clearly anticipated by Morinaga et al. (USP 6,830,043) (“Morinaga”).

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Allowable Subject Matter

The Office Action objects to claims 4-6 as being dependent upon a rejected base claim, but indicates they would be allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims.

III. Pending Claims

i. Independent Claims 1 and 8

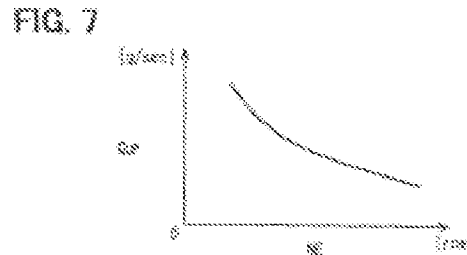
Independent claims 1 and 8 stand rejected under 35 USC 102(b) as allegedly being clearly anticipated by Morinaga.

The Applicant respectfully submits that claim 1 is patentable over the Morinaga at least because it recites, *inter alia*, “...wherein the controller reduces the amount of the air introduced into the internal combustion engine to the predetermined amount *in a stepwise manner*.” (emphasis added)

The Applicant respectfully submits that claim 8 is patentable over Morinaga at least because it recites, *inter alia*, “...wherein in the step of limiting the amount of the air introduced into the internal combustion engine to the predetermined amount, the air is reduced *in a stepwise*

manner.” (emphasis added)

The Applicant respectfully submits that the Office Action alleges that Fig. 7 of Morinaga, provided herein below, shows controlling the amount of air introduced into the internal combustion engine to the predetermined amount so that it is reduced in *a stepwise manner*.



However, it is respectfully submitted that Morinaga merely discloses that, *when* failure in the secondly air supply apparatus is detected, an upper limit guard *value is set* in accordance with an engine rotational speed. *See* Col. 13, lines 34-37, 55-59 of Morinaga. That said, Morinaga, however, does not disclose or teach reducing the guard value (i.e., an amount of the air introduced into the internal combustion engine) *in a stepwise manner* over time, as is required by Applicant’s amended claims 1 and 8. The Applicant respectfully submits that, using the inventions of claims 1 and 8, it is possible to suppress rapid decreases in output of the internal combustion engine.

Further, the Applicant respectfully submits that, as discussed in *KSR Int’l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant. Obviousness cannot be sustained on mere conclusory statements.

Accordingly, the Applicant respectfully submits that, for at least these reasons, claims 1 and 8, as well as any of their dependent claims, are patentable over Morinaga and the other cited references.

ii. Newly Added Independent Claim 9 (dependent claim 4 rewritten in independent form)

The Office Action objects to claim 4 as being dependent upon a rejected base claim, but indicates it would be allowable if rewritten in independent form to include all of the limitations of its base claim (there are no intervening claims). Accordingly, the Applicant respectfully submits that claim 4 has been rewritten in independent form as claim 9, and includes all of the limitations of base claim 1.

Therefore, the Applicant respectfully submits that newly submitted claim 9 is in condition for allowance.

IV. Conclusion

The Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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